UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK VALENTINA SVECHIN, Plaintiff, -against COMMISSIONER OF SOCIAL SECURITY, Defendant.

GABRIEL W. GORENSTEIN, United States Magistrate Judge

With respect to the attorney's fees application of plaintiff's counsel, the Court will extend the 14-day time period of Fed. R. Civ. P. 54(d)(2)(B) based on the unusual circumstances presented here — including the fact that the filing was late by only a matter of weeks and the fact that the Court accepts that counsel was justifiably unaware of the <u>Sinkler</u> decision.

As to the amount of the award, for precisely the same reasons we expressed in <u>Blizzard v. Astrue</u>, 496 F. Supp. 2d 320 (S.D.N.Y. 2007), we find that the many factors for judging reasonableness identified by courts have been satisfied in this case. In light of the fact that Svechin's case was not a sure winner, and the importance of encouraging attorneys to accept social security cases on a contingency basis, the Court concludes that the award sought here is not so large in relation to the hours expended by counsel that it requires reduction.

Accordingly, it is hereby ORDERED as follows: (1) the motion of plaintiff's counsel for attorneys' fees (Docket # 21) is granted; (2) attorney Eddy Pierre Pierre is awarded the sum of \$ 27,678.90 as fees pursuant to 42 U.S.C. § 406(b), to be paid from the amount withheld by the Commissioner of Social Security from the past due benefits awarded to plaintiff; and (3) within 7 days of receipt of the award, attorney Eddy Pierre Pierre shall refund to plaintiff the sum of \$7,000.00, representing the sum that was previously awarded (and received) as attorneys' fees pursuant to the Equal Access to Justice Act.

SO ORDERED.

Dated: New York, New York

February 7, 2020

GABRIEL W. GORENSTEIN United States Magistrate Judge